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February 27, 2004

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The Honorable John D. Ashcroft
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Attorney General:

I am writing to request copies of subpoenas that the U.S. Attorneys' Office in Des Moines, Iowa, sought in a grand jury proceeding regarding an anti-war protest at Drake University. From the court documents I have seen, it seems the Department may have asserted federal jurisdiction where there was none and investigated persons who merely were exercising their First Amendment rights.

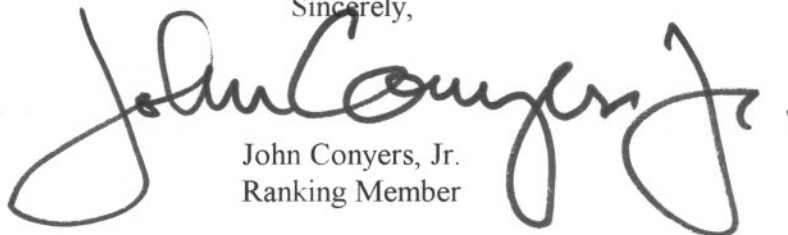
At the outset, it is questionable the Department had jurisdiction to initiate a grand jury investigation into the protests. In a court filing, the Department states as a foregone conclusion that a group of individuals trespassed onto National Guard property in violation of federal law. The Department provides no basis for this claim, such as specifics regarding who trespassed and how. Eyewitness accounts also appear to directly contradict this claim. The broad-based and apparently false claim makes it appear as if the Department is seeking information on lawful war protestors and not on lawbreakers.

It goes without saying that the Department is on thin ice when it pursues lawful protestors. We should not have to remind the Justice Department that the First Amendment is one of this nation's most cherished constitutional rights. Inherent in the First Amendment are the right of free speech, the right to peaceably assemble, and the right of free association. In one fell swoop, by seeking information on persons who participated in anti-war protests, the Department appears to have lost sight of the Constitution. The Department continued its assault on the First Amendment by seeking a gag order to prohibit the subpoena recipients from speaking about the investigation. This series of events is especially troubling considering that the Department speaks freely about investigations when it believes it has strong cases and it believes it is politically beneficial.

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You apparently have conceded some impropriety because you withdrew the subpoenas on February 10, 2004. With this in mind, please provide copies of the subpoenas and explain the reasons for opening an investigation, for seeking the subpoenas, for seeking the gag order, and for withdrawing the subpoenas. Please reply through Perry Apelbaum or Ted Kalo of the Judiciary Committee staff, 2142 Rayburn House Office Building, Washington, DC 20515 (tel: 202-225-6504; fax: 202-225-4423).

Sincerely,

A handwritten signature in black ink, appearing to read "John Conyers, Jr.", with a large, stylized flourish at the end.

John Conyers, Jr.
Ranking Member

cc: The Honorable William E. Moschella
Assistant Attorney General
Office of Legislative Affairs

The Honorable F. James Sensenbrenner, Jr.
Chairman
U.S. House Committee on the Judiciary